

REMARKS

This Amendment is responsive to the Office Action mailed July 6, 2007 (hereinafter "Restriction Requirement").

Restriction Requirement

The Restriction Requirement requested that Applicants elect one of two groups of claims. The groups identified in the Office Action are:

Group I, claims 1-4, drawn to a moisture-resistant mascara composition, classified in class 424, subclass 401; and

Group II, claim 5, drawn to a method of making a moisture-resistant mascara composition, classified in class 516, subclass 9.

In response to the Restriction Requirement, Applicants expressly take no position as to the correctness of the requirement. Applicants elect Group I, claims 1-4 drawn to a moisture-resistant mascara composition, classified in class 424, subclass 401, because of the administrative requirement that an election be made under 37 C.F.R. § 1.142; MPEP § 818.03(b).

As noted in the Restriction Requirement, Groups I and II are related as process of making and product made. Applicants have elected the claims of Group I. In addition, Applicants have amended claim 5, so that it directly incorporates the composition of claim 1. As noted in the Restriction Requirement, if the product claims are allowed, withdrawn method claims that include each element of the allowed product claims will be rejoined with the elected product claims. Accordingly, Applicants withdraw the claim of Group II and respectfully request consideration for rejoinder should the subject matter of this application be allowed.


Conclusion

If anything further is necessary to properly respond to the Restriction Requirement, Applicants respectfully ask that the Examiner contact Greg Lefkowitz at 561-671-3624 (direct line). No fees are believed to be due for submission of this Response; however, the

Commissioner is hereby authorized to charge any underpayment or credit any surplus to Deposit
Account No. 50-0951.

Respectfully submitted,

Date: July 19, 2007



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